

Elder Abuse Law / Definition Workgroup Assignments

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2012 Report Recommendations

Recommendation #1 Elder Abuse Definition and Law. Develop an elder abuse law which focuses on the unique needs of older lowans and creates definitions which protect older lowans who do not meet the dependent adult abuse criteria.

Recommendation #2 Safeguards from Financial Exploitation. Implement safeguards as outlined in the full report to ensure financial security against exploitation for older lowans. Current financial power of attorney and conservatorship laws do not adequately protect older lowans and their assets from perpetrators or from persons in a position of trust.

Recommendation #6 Laws Related to Powers of Attorney, Conservatorship Abuse, and Office of Substitute Decision Maker. Strengthen the laws pertaining to financial powers of attorney, and conservatorship. Power of attorney documents and conservatorships often serve as powerful tools for exploiters.

Recommendation #7. Multi-Disciplinary Teams (MDT). Review the MDT process and evaluate to ensure teams meet and that collaboration occurs to better serve older lowans who are victims of or are vulnerable to elder abuse. Currently, MDT's are allowed to exist under the Dependent Adult Abuse Law but are not statewide.

SF446 Section 50 Mandates:

(2)(1) Harmonization of the approach design with the existing dependent adult abuse system pursuant to chapter 235B, including but not limited to... collaboration between the elder abuse approach and the department of human services when a report of dependent adult abuse involves an older individual, and the membership of multidisciplinary teams.

(2)(2)(b) The definition of elder abuse to be used in the approach to elder abuse. The task force shall address continued use of the definition of "elder abuse" as specified under the federal Older Americans Act and utilized by the prevention of elder abuse program under section 231.56A, or shall provide a specific alternative definition.

(2)(2)(d) The means of addressing financial exploitation of older individuals, including those relating to powers of attorney and conservatorships as described in the 2012 task force report.

(2)(2)(f) Any specific changes in statute and rules necessary to achieve the recommendations of the task force.